

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 12-10-19
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THADDEUS WHITE, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

JUST ENERGY GROUP, INC., PATRICK
MCCULLOUGH, and JIM BROWN,

Defendants.

CASE No.: 1:19-cv-08236-JGK

~~PROPOSED~~ ORDER
APPOINTING LEAD PLAINTIFF
AND APPROVING LEAD
PLAINTIFF'S SELECTION OF
COUNSEL

CLASS ACTION

WHEREAS, on September 4, 2019, the above-captioned securities class action was filed against defendants Just Energy Group Inc. ("Just Energy" or the "Company") and certain of its officers and directors, alleging violations of the federal securities laws;

WHEREAS, two related securities class actions, the first-filed *Goitein v. Just Energy Group, Inc., et al.*, Case No. 1:19-cv-07181-JGK (the "*Goitein* Action") and *Brodeur v. Just Energy Group, Inc., et al.*, Case No. 1:19-cv-08286-JGK (the "*Brodeur* Action"), were filed in this Court on July 31, 2019 and September 5, 2019, respectfully.

WHEREAS, on November 20, 2019, the *Goitein* Action was voluntarily dismissed and on November 21, 2019, the *Brodeur* Action was voluntarily dismissed.

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4(a)(3)(A)(i), on July 31, 2019, a notice was issued to potential class members of the action informing them of their right to move to serve as lead plaintiff within 60 days of the date of the issuance of said notice;

WHEREAS, on September 30, 2019, Plaintiff Gregory Gutman ("Movant" or "Gutman") timely moved the Court in the since-dismissed action *Goitein* Action to consolidate the related

actions, to appoint Movant as Lead Plaintiff, and to approve Movant's selection of The Rosen Law Firm, P.A. as Lead Counsel;

WHEREAS, Gutman was the only movant to file a motion on the September 30, 2019 deadline;

WHEREAS, after a conference before the Court on November 21, 2019, Movant was instructed to refile his motion in the above-captioned action;

WHEREAS, on November 22, 2019, Movant filed his renewed motion for appointment as lead plaintiff and approval of counsel in the above-captioned action;

WHEREAS, the PSLRA provides, *inter alia*, that the most-adequate plaintiff to serve as lead plaintiff is the person or group of persons that has either filed a complaint or has made a motion in response to a notice and has the largest financial interest in the relief sought by the Class and satisfies the requirements of Fed. R. Civ. P. 23; and

WHEREAS, the Court finding that Movant has the largest financial interest in this action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I);

IT IS HEREBY ORDERED THAT:

APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

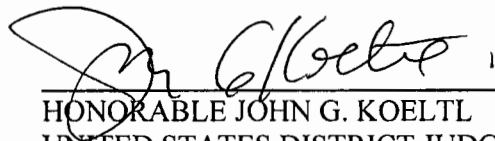
1. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-(a)(3)(B), Movant is appointed as Lead Plaintiff for the class as he has the largest financial interest in this litigation and otherwise satisfies the requirements of Fed. R. Civ. P. 23.

2. Movant's choice of counsel is approved and accordingly, The Rosen Law Firm, P.A. is appointed as Lead Counsel.

3. Lead Counsel, after being appointed by the Court, shall manage the prosecution of this litigation. Lead Counsel is to avoid duplicative or unproductive activities and is hereby vested by the Court with the responsibilities that include, without limitation, the following: (1) to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of motions in accordance with the schedules set by the orders and rules of this Court; (3) to initiate and direct discovery; (4) to prepare the case for trial; and (5) to engage in settlement negotiations on behalf of Lead Plaintiff and the Class.

SO ORDERED:

Dated 12/10, 2019



HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE